

Library of Parliament Arbitral Award

The Arbitral Award regarding CAPE members at the Library of Parliament was rendered on February 1st, 2013. While we did not achieve our most important goal, which was to re-establish the salary relativity between the Analysts, which comprise 85% of the bargaining unit, and the Procedural and Committee Clerks on Parliament Hill, we achieved a number of significant improvements to the collective agreement as a whole.

After years of prodding by the Association, the Library had finally honored the terms of a Letter of Understanding and completed a classification exercise in 2011 in order to address the relativity concerns raised by CAPE. In 2005 it had recognized that the relativity needed to be re-established but it could not do so due to budgetary constraints at that time. As a result of the classification exercise, there was the need to negotiate a new more equitable pay structure as both the House of Commons and Senate did after their classification exercises. Unfortunately the Employer did not ask for additional funds in its annual budget to cover the cost of conversion, and it did not even table a pay proposal to set the salaries of the employees who joined the bargaining unit from the Parliamentary Budget Office.

“We knew going into arbitration that it would be an uphill battle to convince a third party to adjust pay rates based on a classification exercise” said H       Paris, CAPE Negotiator. “The Employer gave us no choice but to refer the matter to arbitration when it could have been easily resolved once and for all at the bargaining table at a minimal cost to the Employer. I encourage our members to contact the members of the Bargaining Team to review both parties’ submissions.”

CAPE is very pleased that the Arbitration Board awarded all of the other gains sought in arbitration:

- New language on career development states that management is responsible for actively promoting career development opportunities and shall make every reasonable effort to provide such opportunities;
- An employee will receive acting pay when required to substantially perform duties of a higher position on an acting basis after 3 consecutive working days. As well, the distinction between a position within or outside of the bargaining unit has been removed.
- A broader definition of Family Leave without Pay for Caregiving;
- A Telework Policy must be developed in consultation with CAPE within one hundred and eighty days of the arbitral award.

None of the concessions sought by the Library of Parliament were granted by the Board, with the exception of severance pay. In particular, the award did not accept the Employer’s language regarding hours of work and therefore our policy

grievance will now be heard at adjudication where we will have the opportunity to clarify our position on shorter work weeks, and seek remedies.

We expected the Arbitration Board to confirm the well-established trend with respect to the loss of the accumulation of years of service for the purpose of severance pay on resignation and retirement and award the same language found in other agreements. However, the board recognized CAPE's evidence of the cost of this concession, and awarded additional compensation to offset the cost. It awarded a .5% pay increase in year two of the collective agreement, rather than in year three, as the employer had proposed. This translates into a larger amount of retroactive pay. In addition, a one-time 35 hours of paid vacation leave replaces the marriage leave provisions.

Pay increases awarded are:

- 1.75% pay adjustment, retroactive to June 16, 2011;
- 2% pay adjustment, retroactive to June 16, 2012;
- 1.5% pay adjustment, also effective June 16, 2013.

[To review particular gains made at the bargaining table prior to the award, click here.](#)

"We are disappointed that the Board did not address the well-documented problems of compression and retention" adds H       Paris. "Regarding compression – on promotion, an Analyst 2 at the maximum of the range goes directly to the top increment of the Analyst 3. Regarding retention - two-thirds of the membership has left in the last two years. CAPE intends to ensure that these issues are fully addressed in the next round of bargaining."

CAPE would like to offer its sincerest thanks to the bargaining team, Nathalie Pothier, Sonya Norris, Dominique Valiquet and Alex Smith (who replaced Allison Goody) for their collaboration, hard work, dedication and support.

[The decision is available here.](#)